

# NEWS NOTES

*of the Central Committee for Conscientious Objectors*

Vol. 11, No. 7, December, 1959

Philadelphia, Pa.

## Osborn's Citizenship Restored

### Pacifists Plan Sahara Action

Bayard Rustin, executive secretary of the War Resisters League and CCCO board member, flew to London and then to Ghana in Central Africa in October to help plan and organize a nonviolent protest against French government plans to explode an A-bomb in the Sahara desert, near Reggan, Algeria, about 300 miles from the Moroccan border.

This international nonviolent protest against nuclear bomb tests was initiated by the British Direct Action Committee which conducted the Aldermaston marches in England some months ago. The American Committee for Non-Violent Action which sponsored the Golden Rule project has joined in support of the Sahara project. In addition to sending Bayard Rustin to Africa, CNVA is undertaking to raise funds for the international protest.

The Reverend Michael Scott, well-known pacifist English clergyman who has courageously worked for African rights for many years, flew from the United Nations in New York City a few days ago to join the international team gathering in Accra, Ghana. Other members of the team include Michael Randle, chairman of the Direct Action Committee in England, and Francis Hoyland, school teacher and father of two young sons. William Sutherland, an American pacifist living in Ghana, has joined the group.

Two women have been accepted as members of the team; Esther Peters from France, a mother of one young son and long active in the World Citizens' movement; and Hemlata Devi-Hakansson, an Indian and a mother of two children. Several Africans are being selected from the many volunteers coming forward. All members of the team agree to practice nonviolence in this attempt to enter the bomb test area.

The team will leave Accra, Ghana early in December and travel by jeep a distance of 1500 miles through Ghana into the Upper Volta and into the Sahara to the French bomb test site. The dangers and difficulties of the project are many. Several supporting projects are also being organized by sympathetic groups in North Africa as protests against the French A-bomb test scheduled to take place early in 1960.

The nonviolent protest, following in the path of Golden Rule, Swaffham, and Aldermaston, seeks to arouse the conscience of the French people on the issue of nuclear bomb tests and to stir Africans to further action. The Sahara protest is the first international pacifist protest against nuclear bomb tests. For further information about the Sahara project write to the Committee for Non-Violent Action, 2006 Walnut Street, Philadelphia 3, Pennsylvania. Contributions may be sent to the same address.

### Review Board Reverses State Dept. Orders Passport Restored to Quaker C.O.

United States citizenship was restored, November 18, to Lawrence Osborn, 26-year-old native-born American Quaker residing in Costa Rica. By a vote of two to one the Board of Review on Loss of Nationality (part of the Passport Office in the U. S. Department of State) ruled that Osborn, father of four children, had not voluntarily expatriated himself when he departed from the U. S. without registering for the draft.

Earlier, the Passport Office contended that Osborn's departure from the U. S. for Costa Rica in 1951, shortly before he reached his 18th birthday, and his subsequent refusal to register for the draft amounted to a voluntary renunciation of his U. S. citizenship. The U. S. Embassy in Costa Rica confiscated his passport in 1954 and issued him a "Certificate of the Loss of Nationality" under the provisions of the Immigration and Nationality Act of 1952.

This Act provided that a native-born or naturalized citizen shall lose his nationality if he departs from or remains outside the jurisdiction of the United States in time of war or during a period of national emergency for the purpose of evading or avoiding the draft. The Act specifically provides that failure to comply with any provision of the draft act raises the presumption that departure from the U. S. was for the purpose of evading the draft.

#### Offer to Register

When Osborn migrated to Costa Rica in 1951 to join the Quaker colony there he was a nonregistrant in relation to the draft. Later, he felt that he could register for the draft without compromising his conscience. He informed U. S. consular authorities of his readiness to comply with the registration requirements of the draft law, but they refused to register him.

Last year Osborn sought the help of CCCO in his efforts to secure his claim to American citizenship. David Shapiro, prominent constitutional lawyer in Washington, D.C., was retained as legal counsel. After several months wait the Board of Review granted a hearing. Betty Osborn, wife of Lawrence, appeared before the board as the only witness.

In requesting a reversal of the decision of the Passport Office Shapiro challenged the right of Congress to deprive a citizen of his nationality as a punishment for unlawful conduct. He also raised the point that expatriation in such a case was penal in nature and amounted to cruel

*(Continued on page 2)*

## Callahan Patiently Persists

On October 22 Pvt. William E. Callahan, stationed at Fort Lewis, Washington, refused to obey an order issued by the company sergeant. This is the second time that Callahan, a conscientious objector to all military duty, has disobeyed orders. He was threatened with immediate confinement in the post stockade (military jail), courtmartial proceedings, and a second sentence to the U. S. Disciplinary Barracks. His commanding officer urged him to obey military orders to avoid further difficulty. Finally, when convinced that Callahan would not retreat, the company commander recommended discharge on grounds of undesirability and unsuitability for military service.

Callahan has no objection to a dishonorable discharge and will perform noncombatant duty pending action on the discharge. If his current discharge request is refused Callahan has stated that he will again refuse to obey military orders. A courtmartial would undoubtedly follow.

Callahan has battled for several years to establish his claim as a conscientious objector. Denied a C.O. classification by his draft board he refused induction and was tried in the U.S. district court in San Francisco in 1957. There he accepted the court's offer of noncombatant military duty as an alternative to prison. After several weeks in the I-A-O medical training program at Fort Sam Houston, Texas, Callahan found that he could not conscientiously perform noncombatant duty. His request for discharge was denied. Shortly after, he refused to obey a military order and promptly was courtmartialed and sentenced to prison for five years and a dishonorable discharge. On review, the sentence was reduced to 18 months and the execution of the dishonorable discharge was suspended until completion of sentence.

### Returned to Active Duty

Instead of being dishonorably discharged when he completed his 18 months confinement in the U. S. Disciplinary Barracks at Lompoc, California, Callahan was returned to active duty to complete the balance of his military duty.

In response to CCCO's inquiry as to why Callahan was not discharged, the Judge Advocate General in Washington informed CCCO that suspension of a punitive discharge had the effect of placing the prisoner on probation and that probationary status could be changed only if the offender violated probation and only after a proper hearing as provided in the Uniform Code of Military Justice. Thus, an individual whose sentence to a punitive discharge has been suspended until completion of confinement will have his punitive discharge remitted upon release from confinement, and be restored to active duty.

Since Callahan was a model prisoner, there was no occasion for revoking the suspension of his dishonorable discharge so he was returned to service to perform duties in which he could not conscientiously engage.

With good spirit and rare patience Callahan again applied for discharge on grounds of conscience. After several weeks this request for honorable discharge was denied by the Adjutant General on the grounds of his conviction by a courtmartial.

Callahan does not care what kind of a discharge the Army gives him; he wants only to be released as quickly as possible. He is prepared for another prison sentence rather than compromise his C.O. position by further participation in the military.

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## REGAINS CITIZENSHIP

(Continued from page 1)

and unusual punishment in violation of the Eighth Amendment to the U. S. Constitution.

Following the Board's favorable action the U. S. Embassy in Costa Rica has been instructed to return Osborn's passport. He is expected to fly to the U. S. by Christmas to rejoin his family who have been in the country over a year awaiting his return.

When Osborn returns to the United States he faces the possibility of prosecution for failure to register for the draft.

Every C.O. is claiming on behalf of all men everywhere the right to life and liberty. He is not only asserting his own right of freedom of conscience, he is voicing the conscience of the community which is all too often stifled.  
(20th Annual Report of The Central Board for Conscientious Objectors, London.)

## Briefly Noted

Earle Reynolds, convicted skipper of the nuclear protest yacht Phoenix, was granted permission to go to Japan to seek employment. His request had been denied by the Federal District Court in Honolulu and the Federal Circuit Court of Appeals in San Francisco. U. S. Supreme Court Justice Douglas overruled the lower courts, but increased Reynolds' bail to \$1,000. Douglas stated that there was no doubt that Reynolds would respond to the judgment of the lower courts when his appeal from the jail sentence is finally decided. Reynolds, his wife, Barbara, and his son, Ted, plan to sail their yacht Phoenix to Japan early in April, 1960.

\* \* \*

Ed Lazar, one of three Omaha Action pacifists transferred from the Federal Medical Center at Springfield, Missouri some weeks ago continued noncooperation with prison authorities during his confinement in the Federal Correctional Institution at Danbury, Connecticut. After five days in isolation he was placed in administrative segregation, allowed to have books and to carry on his correspondence. He is scheduled for release December 13.

Donald Fortenberry, after being transferred to the Federal Correctional Institution at Seagoville, Texas, accepted a job in the prison education department teaching English to illiterate inmates. He will be released December 13 and plans to return to the Celo community in North Carolina. Karl Meyer, the third C.O. transferred from Springfield, had refused to cooperate with prison authorities in support of the right of the other two. He returned to work the same day but was later moved to Allenwood, Pennsylvania. He was released November 26.

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Frederick L. Moore, Jr., 18-year-old son of an Army colonel and a freshman at the University of California conducted a two-day fast in protest against the University's policy of compulsory R.O.T.C. During his fast on the steps of the University Administration building in Berkeley, a thousand students signed his petition urging the University to exempt conscientious objectors from R.O.T.C. Before commencing the fast Moore had sought exemption as a C.O. only to find out that the University makes no provisions for such exemption. Rather than participate in the military classes Moore withdrew from the University and returned to his home in Arlington, Virginia.

\* \* \*

Joe S. Bonntreager, 23, of Kenton, Ohio, was recently sentenced to two years imprisonment for refusal to accept civilian work with the Indiana State Board of Health as ordered by his draft board in fulfillment of the compulsory C.O. work provision in the draft law. Bonntreager, a member of the Amish church, refused to perform civilian work because of his religious convictions.

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John Gary Stoltenberg, 18-year-old C.O. from the Church of the Brethren, recently sentenced to five years on probation in San Francisco for refusal to register for the draft (see NEWS NOTES, October-November, 1959),

## Three Pacifists Sentenced

The last of the Omaha missile base protesters were found guilty in a jury trial in the U. S. District Court in Omaha, November 17, of unlawful entry into a military reservation. The following day Judge Richard E. Robinson sentenced Neil Haworth, 28 years old of Chicago; Hiram C. Holdridge, Jr., 19, of Evanston, Illinois; and Larry Shumm, 19, of Seattle, each to six months imprisonment and \$500 fine and costs. The three were charged with deliberately entering the Mead missile base near Omaha, Nebraska last August. Several others participating in the vigil against U. S. missile policy were jailed earlier for similar offenses.

Francis Heisler, constitutional lawyer from Chicago conducted the defense of the three pacifists. He argued that the government did not have the constitutional authority to detonate H-bombs resulting in radioactive fallout; and that the government held the land as a trustee and violated the trust terms by using the land for missile bases. The defense also asserted that the denial by the government of their right to assemble at the missile base to protest the government's missile policy was a curtailment of their right to freedom of speech and assembly as guaranteed by the First Amendment to the Federal Constitution.

A. J. Muste, who was present at the trial, reported that Judge Robinson conducted the trial in a fair and judicial manner. Each defendant was allowed to give brief testimony, but the court ruled out any lengthy testimony on motivation. The court refused to suspend sentences when the three defendants declined to promise that they would refrain from entering any other missile bases.

When defense attorney Heisler informed the court that an appeal would be taken the court denied the government's request that bail be increased, but instead reduced bail for each from \$2500 to \$1500 and allowed the defendants to remain free pending the appeal.

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has begun work with the Brethren Service unit at the National Institutes of Health, Bethesda, Maryland. The terms of probation required him to work two years with the Brethren Service Commission or the American Friends Service Committee.

\* \* \*

The new Minister of Labor in the British government, Edward Heath, announced early in November that no more teen-agers will be drafted into the British military service. About 66,000 men at least 20 years old will be called in the final months of next year. Heath stated that the new government will keep its pledge to end the draft in 1960.

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"Choices, A Pamphlet about Conscription, The Counselor and The Conscientious Objector" prepared by the C.O. Counseling Service of the American Friends Service Committee, is being distributed to several thousand guidance counselors throughout the United States. Additional copies may be obtained from AFSC, 20 South 12th Street, Philadelphia 7, Pennsylvania.



### SEND HOLIDAY GREETINGS

At this time each year NEWS NOTES reminds its readers that they can send Christmas cards to imprisoned conscientious objectors. These cards of greeting are welcome evidence of fellowship and support to the men and women behind the bars. All cards should be individually addressed to the men listed in The Court Reporter and should be signed by the sender whose address may be included. Prison regulations forbid the inclusion of any personal message; nor may gifts be sent to the men. There is no limit to the number of Christmas cards a prisoner may receive.

Our readers are encouraged to send Holiday greetings to imprisoned C.O.'s in other countries. Drop a postcard to NEWS NOTES and the full list will be mailed at once.

### Church Supports McCrackin

The report of the Administrative Commission appointed by the Presbyterian Church to look into matters relating to the West Cincinnati-St. Barnabas church long served by Rev. Maurice McCrackin, well-known pacifist tax refuser, upheld McCrackin's conscientious position against paying income taxes for war. The Commission pointed out that while the Presbytery had requested McCrackin to pay his taxes he was not required to pay, and therefore has not broken his ordination vow "to be in subjection to his brethren in the Lord." The report concluded that "it is not a function of Presbytery to collect taxes and we find the West Cincinnati-St. Barnabas church and its pastor are bearing a strong witness to Jesus Christ and His Gospel."

Room 300  
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## THE COURT REPORTER

### I PROSECUTIONS

#### *Sentences not previously reported*

9-4-59 Joe S. Bonntreager, 2 years, (Indianapolis) Judge William E. Steckler, refusal of civilian work

#### *Sentenced since last issue*

11-18-59 Neil Haworth } Six months,  
Hiram C. Holdridge, Jr. } \$500 fine and  
Larry Shumm } costs, (Omaha, Nebr.) Judge Richard E. Robinson, unlawfully entering military reservation

### II RELEASED FROM PRISON

#### *Good time*

11-26-59 Karl Meyer  
11-29-59 Bradford Lyttle  
12-13-59 Donald Fortenberry, Ed Lazar

#### *On parole*

12-13-59 Charles Edgar Garrison  
12-?-59 John Decker

### III CURRENTLY IMPRISONED

Federal Correctional Institution, Alderson, W. Va.—  
Marjorie Swann  
Federal Correctional Institution, Allenwood, Pa.—  
Jacob Weaver Nolt  
Federal Correctional Institution, Milan, Mich.—  
Joe S. Bonntreager  
Federal Correctional Institution, Sandstone, Minn.—  
Arthur Harvey, Ammon Hennacy  
Federal Correctional Institution, Tallahassee, Fla.—  
Marvin Tamarkin  
Federal Correctional Institution, Terminal Island, Calif.—  
William A. Kariakin  
Federal Correctional Institution, Tucson, Ariz.—  
Richard G. Keene

(Total number of C.O.'s convicted of Selective Service violations since 1948 to date, 348. This is a minimum number: J.W.'s and Muslims are not included, and we miss a few.)

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